



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

CLASS 3 ACCESSORY APARTMENT FACT SHEET

Owners of Single Family detached homes in Montgomery County* may be permitted to create and rent a Class 3 Accessory Apartment in their home if they follow a few basic procedures. A Class 3 Accessory Apartment is a second dwelling that is part of (but subordinate to or on the same lot as) an existing one-family detached home and has its own provisions for cooking, eating, sanitation and sleeping. A license is issued by the Department of Housing and Community Affairs for an accessory apartment that does not require a special exception. Accessory Apartment units must be in compliance with requirements of Montgomery County Code: Chapter 59-Zoning Ordinance, Chapter 26-Housing Standards, Chapter 29-Landlord/Tenant Relations, and all applicable laws.

Accessory Apartment Requirements

Before offering an Accessory Apartment for rent, an owner must first obtain a rental license from Montgomery County Department of Housing and Community Affairs. An owner, who operates a rental facility without first obtaining a license, may be subject to a \$500 civil citation. Properties with well and/or septic must contact Department of Permitting Services (DPS) at 240-777-0311 to make sure it meets required code for total individuals living at your accessory apartment dwelling unit property. A photocopy of the document you receive from DPS must accompany your application.

The Existing Single-Family Dwelling Must:

- Be a Single Family Detached Home – no townhouses, duplexes or mobile homes.
- Be owner occupied.
- Be at least 5 years old as of the date of the application.
- Be [attached] located in the RE-2, RE-2C, RE-1, R-200, RMH-200, and R-150 zones is located at least 500 feet from any other approved or pending accessory apartment, measured in a line from side lot line to side lot line along the same block face.
- Be [attached] located in the R-90 (including Plan Development zones), R-60, and RNC zones is located at least 300 feet from any other approved or pending accessory apartment, measured in a line from side lot line to side lot line along the same block face.
- Be [detached] located in the RE-2, RE-2C, and RE-1 zones is located a minimum distance of 500 feet from any other approved or pending accessory apartment, measured in a line from side lot line to side lot line along the same block face.
- Have one on-site parking provided in addition to any required on-site parking for the principle dwelling.
- Have a separate entrance located so that the appearance of a one-family home is preserved.
- Be in compliance with all applicable laws.

Licensing/Registration Unit

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3666, TDD 301-217-3679, fax: 240-777-3699

www.montgomerycountymd.gov/dhcalicensing

The Accessory Apartment Must:

- Be less than 50 percent of the total floor area in the principal dwelling; or 1200 square feet, whichever is less. The maximum floor area for an addition is 800 square feet.
- Be internal to the existing home (unless the lot is larger than 1 acre).
- Have the same address as the main house.
- Be the only additional living unit or residential use on a lot or parcel.

LICENSING PROCESS FOR CREATING A CLASS 3 ACCESSORY APARTMENT

To create a Class 3 Accessory Apartment to be offered for rent, an owner-occupant must:

1. Apply for the license through Montgomery County Department of Housing and Community Affairs, Licensing and Registration Unit, 100 Maryland Avenue, 4th Floor, Rockville, Maryland 20850, 240-777-3666.
2. Once the Licensing Office has received your application, Licensing will review for completeness within 5 days of receipt.
3. Department will send written notification of the application acceptance or will return the application and all fees with a written explanation regarding missing documents.
4. The Hearing Examiner will receive a copy of the application with documents of acceptance of the application.
5. Department will post the information on the website and map of accessory apartment.
6. Owner must post a sign on yard within 5 days of acceptance of the application by the Department and remain posted for 30 days after the issuance of the Director's findings.
7. Licensing will review the application for compliance with zoning ordinances and the Housing Code Enforcement will inspect for compliance with housing code and zoning standards.
8. The Director will issue a report on the findings of the Licensing review and Housing Code inspection.
9. A license will be issued or denied 30 days after the issuance of the Directors report.
10. Sign must be returned within 15 days after the end of the posting period.
11. Contact your homeowners association or see your associations covenants for their rules and regulations regarding an accessory apartment.
12. Changes in information provided on the original Accessory Apartment Application must be reported to the Department of Housing and Community Affairs, Licensing/Registration Unit immediately.
13. If your property does not meet the requirements for a Class 3 accessory apartment, you can object with The Office of Zoning and Administrative Hearing by calling 240-777-6660 or 100 Maryland Avenue, Room 200, Rockville, MD 20850. If you know before applying for the Class 3 accessory apartment that your parking and/or zone requirements would not pass, you may apply with The Office of Zoning and Administrative Hearing for a special exception. Call the Licensing and Registration for more information or to obtain a referral at 240-777-3666.

*Note: Requirements as outlined in Zoning Ordinance Section 59-G-2.00 do not apply to properties within the incorporated Municipalities of Barnesville, Gaithersburg, Laytonsville, Poolesville, and Rockville. For further information, contact your local municipality.